

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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TWENTY-THIRD DAY

Bismarck, February 3, 1983

The Senate convened at 1:00 p.m., with President Sands presiding.

The prayer was offered by Sister Burnie Kuntz, First Lutheran Church, Bismarck.

Eternal Lord, You are the ruler of nations; by Your precepts our affairs are judged.

Look to those whom we have selected as our leaders. Impress upon them the importance of their responsibilities, but humble them by reminding them of their humanity and their weakness.

Hold before them the ideal of the greatest good for the greatest number, but make them aware, as well, of the rights of the smallest minority in our midst. Turn them away from intemperate decisions and aggressive actions, and into the paths of service for all the people; through Christ, our Lord. Amen.

ROLL CALL

The roll was called and all members were present, except Senator Goodman.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-second day and finds the same to be correct.

SEN. TWETEN, Chairman

SEN. DAVID MOVED that the report be adopted, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

February 3, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 2, 1983, I signed the following:

SB 2086, SB 2089, SB 2090, SB 2096, SB 2130.

Sincerely,

ALLEN I. OLSON
Governor

Allen I. Olson
Governor

February 3, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 3, 1983, I signed SB 2361.

Sincerely,

ALLEN I. OLSON
Governor

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2154, SB 2224, SB 2268, SB 2282, SB 2285, SB 2287,
SB 2294, SB 2296, SB 2320, SB 2326, SB 2349, SB 2351,
SB 2352, SB 2364, SB 2445

SEN. FRITZELL, Chairman

SEN. KUSLER MOVED that the report be adopted, which motion prevailed.

MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2193 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2193

On page 1, line 21, overstrike the comma after the word
"subject"

And renumber the lines accordingly

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1026, HB 1065, HB 1117, HB 1166, HB 1174, HB 1261,
HB 1293, HB 1327, HB 1377, HB 1409, HB 1428, HB 1432,
HB 1464, HB 1472, HB 1581, HCR 3004, HCR 3039

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2274, SB 2277, SB 2301, SB 2303, SB 2323, SB 2367,
SB 2369, SB 2391, SB 2403, SB 2413, SB 2434, SB 2461,
SCR 4016

Very respectfully,
LEO LEIDHOLM, Secretary

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging the United States Secretary of Agriculture to include barley as an eligible commodity for participation in the federal payment-in-kind acreage reduction program.

Was read the first time.

MOTION

SEN. VOSPER MOVED that the rules be suspended, that HCR 3024 as printed on pages 666 and 667 of the House Journal be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging the United States Secretary of Agriculture to include barley as an eligible commodity for participation in the federal payment-in-kind acreage reduction program.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3024 was declared adopted on a voice vote.

MOTION

SEN. VOSPER MOVED that HCR 3024 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed unchanged:

HCR 3024

Very respectfully,
LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. LODOEN MOVED that the amendments to SB 2046 as recommended by the Committee on State and Federal Government as printed on pages 471-473 of the Senate Journal be adopted, and that SB 2046 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2146 as recommended by the Committee on Judiciary as printed on pages 473 and 474 of the Senate Journal be adopted, which motion prevailed.

SEN. LEE MOVED that the amendments to SB 2216 as recommended by the Committee on Natural Resources as printed on pages 474 and 475 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2226 as recommended by the Committee on Education as printed on pages 475 and 476 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2232 as recommended by the Committee on State and Federal Government as printed on page 476 of the Senate Journal be adopted, which motion prevailed. SB 2232 has committee recommendation of DO NOT PASS.

SEN. LIPS MOVED that the amendments to SB 2250 as recommended by the Committee on Appropriations as printed on pages 476 and 477 of the Senate Journal be adopted.

REQUESTS

SEN. NAADEN REQUESTED that the question be divided on the motion to adopt the proposed amendments to Engrossed SB 2250, that all the amendments up to and including SECTION 6 be voted upon separately from the amendments on page 2, line 33, which request was granted.

SEN. STENEHJEM REQUESTED a recorded roll call vote on the motion to adopt all the amendments to Engrossed SB 2250, except those on page 2, line 33, which request was granted.

ROLL CALL

The question being on the motion to adopt all the amendments to Engrossed SB 2250 except the amendments on page 2, line 33, the roll was called and there were 22 YEAS, 30 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Christensen; Dotzenrod; Fritzell; Grotberg; Heigaard; Holmberg; Lashkowitz; Lee; Lips; Matchie; Meyer, J.; Olson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Barth; Berube; David; Dykshoorn; Erickson; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Leibhan; Lodoen; Maixner; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: Goodman

All the amendments to Engrossed SB 2250 except the amendments on page 2, line 33 lost.

The question being then on the remainder of the amendments to Engrossed SB 2250, on page 2, line 33, the amendments were adopted on a voice vote.

SEN. REITEN MOVED that the amendments to SB 2270 as recommended by the Committee on Industry, Business, and Labor as printed on pages 477 and 478 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2386 as recommended by the Committee on Education as printed on pages 478 and 479 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2438 as recommended by the Committee on Industry, Business, and Labor as printed on page 480 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2456 as recommended by the Committee on Industry, Business, and Labor as printed on page 480 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2474 as recommended by the Committee on State and Federal Government as printed on page 480 of the Senate Journal be adopted, which motion prevailed.

MOTIONS

SEN. OLSON MOVED that SB 2338 be placed at the head of the calendar, which motion prevailed.

SEN. OLSON REQUESTED the unanimous consent of the Senate to withdraw SB 2338. There being no objection, it was so ordered by the President.

SEN. HOLMBERG MOVED that SB 2370 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. HOLMBERG REQUESTED the unanimous consent of the Senate to withdraw SB 2370. There being no objection, it was so ordered by the President.

SEN. DYKSHOORN MOVED that SB 2443 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

SEN. DYKSHOORN REQUESTED the unanimous consent of the Senate to withdraw SB 2443. There being no objection, it was so ordered by the President.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2037 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "; and to amend and reenact section 54-27-20.1"

On page 1, delete line 4

On page 1, line 5, delete the words "sharing fund"

On page 1, after line 16, insert the following new sections:

"SECTION 2. Distribution. The distribution of revenue sharing funds for the fiscal year ending June 30, 1984, shall not exceed one-half of the total appropriation contained in section 1 of this Act.

SECTION 3. Formula - Temporary suspension. Notwithstanding the requirements of section 54-27-20.1, the total amount transferred to the state revenue sharing fund for the biennium beginning July 1, 1983, and ending June 30, 1985, shall not exceed the amount of the legislative appropriation as provided by section 1 of this Act."

On page 1, delete lines 17 through 27

On page 2, delete lines 1 through 17

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for a temporary suspension of state revenue sharing in light of the current state fiscal crisis.

SEN. LIPS, Chairman

SB 2037 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2062 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 2, delete the word "two" and insert in lieu thereof the word "one" and delete the word "sections" and insert in lieu thereof the word "section"

On page 1, line 3, delete the words "the cleaning of state motor vehicles prior to"

On page 1, line 4, delete the word and comma "sale,"

On page 1, delete lines 12 through 23 and insert in lieu thereof the following language:

"Central management system for all state-owned licensed motor vehicles. The commissioner shall establish within the department a central vehicle management system to regulate the operation, maintenance, and management of all motor vehicles owned or leased by the state subject to this section. The system shall provide a uniform method of recording and reporting the utilization, mileage, and other costs of operating those motor vehicles. The commissioner shall also establish a system whereby a recommendation can be made to the director of the office of management and budget concerning the acquisition and disposal of motor vehicles subject to this section. Every state agency, institution, department, board, bureau, commission, and the board of higher education and institutions under its jurisdiction unless exempted by the commissioner must use the system. An appropriate charge based on actual costs will be made for such services.

Each entity required to use the system must submit records of the operation of each vehicle as

directed by the commissioner. The commissioner is authorized, within the limits of legislative appropriation, to employ personnel necessary to carry out the duties prescribed by this section."

On page 2, line 5, delete the words "Also on the decal, two" and overstrike the words "and one-half inches [6.35 centimeters]"

On page 2, line 6, overstrike the words "directly below" and delete the word "the" and overstrike the word "words" and delete the quotes and words "NORTH DAKOTA" and overstrike the words "shall be printed in"

On page 2, overstrike lines 7 through 11

On page 2, line 12, overstrike the words "contrast to the background."

On page 2, delete lines 28 through 35

On page 3, delete lines 1 through 15

And renumber the lines, sections, and pages accordingly
SEN. LODOEN, Chairman

SB 2062 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2082 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, after the words "A BILL for an Act to amend and reenact section" delete the remainder of the bill and insert in lieu thereof the following: "57-39.2-04.1 of the North Dakota Century Code, relating to sales tax exemption for food and food products sold from vending machines.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-39.2-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-39.2-04.1. Sales tax exemption for food and food products. Beginning July 1, 1973, gross Gross receipts from sales for human consumption of food and food products including but not limited to cereal and cereal products, butter, cheese, milk and milk

products, oleomargarine, meat and meat products, poultry and fish and other fresh and saltwater animal products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products including candy and confectionary products, chewing gum, coffee and coffee substitutes, tea, cocoa and cocoa products, and carbonated beverages when purchased by consumers for consumption off the premises where purchased, or when purchased from a coin-operated vending machine shall be exempt from the sales tax imposed by chapter 57-39.2. "Food" and "food products" as used herein shall not include any alcoholic beverages or mixed drinks made therefrom, or medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts."

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

SB 2082 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2264 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2264 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2271 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the word "ten" and insert in lieu thereof the word "twenty"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2271 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2284 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the word "must" and insert in lieu thereof the word "may"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2284 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2311 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2311 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2316 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2316 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2333 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. VOSPER, Chairman

SB 2333 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2337 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2337 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2385 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2385 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2387 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2387 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2395 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2395 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2404 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2404 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2410 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2410 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2420 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 9, after the overstruck word "~~two~~" insert the word "three" and remove the overstrike over the word "~~hundred~~"

On page 1, line 10, delete the words "one thousand" and after the overstruck word "~~four~~" insert the word "six"

On page 1, line 11, remove the overstrike over the word "~~hundred~~" and delete the words "two thousand"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

SB 2420 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2428 has had the same under consideration and recommends that the same DO NOT PASS and be rereferred to the Committee on Appropriations.

SEN. REITEN, Chairman

SB 2428 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2436 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. VOSPER, Chairman

SB 2436 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2447 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. WRIGHT, Chairman

SB 2447 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2472 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Appropriations.

SEN. HOLMBERG, Chairman

SB 2472 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2475 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2475 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2481 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2481 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SCR 4017 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

SCR 4017 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1069 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

HB 1069 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1113 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1113 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2154: A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-13 of the North Dakota Century Code, relating to permit applications for surface coal mining and reclamation operations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Tallackson

ABSENT AND NOT VOTING: Dotzenrod; Goodman

SB 2154 passed and the title was agreed to.

SB 2169: A BILL for an Act to amend and reenact sections 39-18-01 and 39-18-02 of the North Dakota Century Code, relating to the licensing of mobile home dealers and the amount of such dealer bond.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 3 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Miller Heinrich; Kusler; Meyer, J.

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Dotzenrod; Goodman

SB 2169 was declared lost.

SB 2220: A BILL for an Act to establish a revolving loan fund at the Bank of North Dakota for making agricultural real estate loans to North Dakota beginning farmers; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nething; Olson; Parker; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Nelson; Peterson; Tennefos

ABSENT AND NOT VOTING: Goodman

SB 2220 passed and the title was agreed to.

SB 2224: A BILL for an Act to provide for a reduction in motor vehicle insurance rates of senior citizens successfully completing a motor vehicle accident prevention course.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grothberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2224 passed and the title was agreed to.

SB 2268: A BILL for an Act to amend and reenact subsection 3 of section 16.1-08-02, subsection 1 of section 16.1-08.1-01, and sections 16.1-08.1-02, 16.1-08.1-03 and 16.1-08.1-04 of the North Dakota Century Code, relating to the reporting of campaign contributions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grothberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2268 passed and the title was agreed to.

SB 2282: A BILL for an Act to amend and reenact sections 4-08-02, 4-08-04, 4-08-15, and 4-08-15.1 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 4 and 5 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, relating to county mill levys for county agent work.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Moore

ABSENT AND NOT VOTING: Goodman

SB 2282 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that SB 2282 be reprinted, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2285: A BILL for an Act to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to the method of filing claims under a highway contract performance bond; and to amend and reenact section 48-02-17 of the North Dakota Century Code, relating to when claims are barred against contractor and surety including public buildings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Hilken; Vosper

SB 2285 passed and the title was agreed to.

SB 2287: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to mud flaps on trucks.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 3 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Krauter; Meyer, D.; Wright

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Goodman; Satrom

SB 2287 was declared lost.

SB 2294: A BILL for an Act to amend and reenact section 49-09-04.3 of the North Dakota Century Code, relating to removal of abandoned materials from abandoned railway lines.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Redlin

SB 2294 passed and the title was agreed to.

SB 2320: A BILL for an Act to amend and reenact section 2-06-15 of the North Dakota Century Code, relating to county mill levies for airport authorities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Tennefos

ABSENT AND NOT VOTING: Bakewell; Goodman; Leibhan

SB 2320 passed and the title was agreed to.

SB 2326: A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, to require disaster warning systems in certain mobile home parks.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 18 YEAS, 33 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Dotzenrod; Grotberg; Heigaard;
Miller Heinrich; Hilken; Kilander; Kusler; Lashkowitz;
Maixner; Matchie; Meyer, J.; Redlin; Tallackson;
Tennefos; Waldera; Walsh; Wogsland

NAYS: Adams; Berube; Christensen; David; Dykshoorn;
Erickson; Fritzell; Holmberg; Krauter; Lee; Leibhan;
Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson;
Nething; Olson; Parker; Peterson; Reiten; Satrom;
Stenehjem; Streibel; Stromme; Thane; Todd; Tweten;
Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Bakewell; Goodman

SB 2326 was declared lost.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HCR 3024

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HCR 3024

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HCR 3024

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2341: A BILL for an Act to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to compensation and retention of status for national guard members, armed forces reserve members, or persons in federal noncivilian service who are public employees.

Which has been read.

Sen. Dotzenrod declared that he may have a conflict of interest with SB 2341. Sen. Nething clarified to the Assembly that according to Senate Rule 318, he is entitled to vote. Sen. Nething then moved that Sen. Dotzenrod be permitted to vote on SB 2341, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 22 YEAS, 30 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dykshoorn; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Nelson; Olson; Satrom; Stromme; Todd; Walsh; Wogsland

NAYS: Adams; Bakewell; David; Dotzenrod; Erickson; Fritzell; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Meyer, D.; Mutch; Naaden; Nething; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman

SB 2341 was declared lost.

SB 2349: A BILL for an Act to create a new section to chapter 36-15 of the North Dakota Century Code, relating to the administrative enforcement of the provisions of that chapter; and to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to calfhood vaccinations against brucellosis; and to provide a penalty; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Wenstrom

SB 2349 passed, the title was agreed to, and the emergency clause carried.

SB 2352: A BILL for an Act to amend and reenact section 40-08-12 of the North Dakota Century Code, relating to publication of proceedings of city council meetings.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 15 YEAS, 37 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; David; Dotzenrod; Kilander; Leibhan; Meyer, J.; Naaden; Parker; Reiten; Tallackson; Tennefos; Tweten; Wenstrom; Wright

NAYS: Adams; Barth; Christensen; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Moore; Mutch; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Stenehjem; Streibel; Stromme; Thane; Todd; Vosper; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Goodman

SB 2352 was declared lost.

SB 2359: A BILL for an Act to provide for a lien for unpaid earned property or casualty insurance premiums.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2359 passed and the title was agreed to.

SB 2362: A BILL for an Act to amend and reenact subsection 5 of section 39-06.1-03 of the North Dakota Century Code, relating to jury trial on appeal from criminal traffic convictions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Holmberg; Kilander; Krauter; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Miller Heinrich; Hilken; Kusler; Lashkowitz; Maixner; Meyer, D.

ABSENT AND NOT VOTING: Goodman; Tweten

SB 2362 passed and the title was agreed to.

SB 2364: A BILL for an Act to amend and reenact section 6-09.5-07 of the North Dakota Century Code, relating to terms on community water facility loans; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2364 passed, the title was agreed to, and the emergency clause carried.

SB 2381: A BILL for an Act to amend and reenact subsection 1 of section 16.1-07-08 of the North Dakota Century Code, relating to agents for absent voters.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 31 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Parker; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson;

Nething; Olson; Peterson; Reiten; Stenehjelm; Streibel;
Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman

SB 2381 was declared lost.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SCMR 1, SB 2127

Very respectfully,
CHARLES FLEMING, Chief Clerk

FIRST READING OF HOUSE BILLS

HB 1159: A BILL for an Act to amend and reenact section 49-09-04.3 of the North Dakota Century Code, relating to the restoration of abandoned railroad right of way.
Was read the first time and referred to the Committee on Transportation.

HB 1198: A BILL for an Act to create and enact two new sections to chapter 38-08 of the North Dakota Century Code, relating to the authority of the industrial commission to make contracts for the plugging or replugging of oil and gas wells and the reclamation of abandoned oil and gas well sites and establish a fund from fees collected to be used for purposes of contracting for plugging or replugging oil and gas wells and the reclamation of abandoned oil and gas well sites; to amend and reenact subdivision a of subsection 2 of section 38-08-04 of the North Dakota Century Code, relating to the power of the industrial commission to require the restoration of drilling and production sites; to provide an appropriation; and to declare an emergency.
Was read the first time and referred to the Committee on Natural Resources.

HB 1281: A BILL for an Act to amend and reenact section 43-03-18 and 43-03-19 of the North Dakota Century Code, relating to registration and renewal fees paid by an architect.
Was read the first time and referred to the Committee on Political Subdivisions.

HB 1282: A BILL for an Act to amend and reenact section 57-52-04 of the North Dakota Century Code, or in the alternative if House Bill No. 1072 is approved by the forty-eighth legislative assembly, section 57-43.2-02 of the North Dakota Century Code, to provide a four cent per gallon tax

reduction on diesel fuel blended with recovered oil for the 1983-85 biennium.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1295: A BILL for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, to provide a property tax exemption to include the construction phase of qualified charitable property; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

HB 1363: A BILL for an Act to create and enact a new section to chapter 39-19 of the North Dakota Century Code, relating to the highway commissioner's authority to enter into agreements with adjacent states for the occupation and operation of ports of entry, the collection of fees, taxes, and the enforcement of vehicle size and weight limits.

Was read the first time and referred to the Committee on Transportation.

HB 1375: A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

Was read the first time and referred to the Committee on Natural Resources.

HB 1398: A BILL for an Act to amend and reenact section 10-15-02 of the North Dakota Century Code, relating to the purposes of cooperatives and removing the prohibition against building and operating public railroads; and to declare an emergency.

Was read the first time and referred to the Committee on Transportation.

HB 1403: A BILL for an Act to amend and reenact subsection 4 of section 40-38-02 of the North Dakota Century Code, relating to powers of municipalities to increase tax levies for public library service; and to provide an emergency.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1497: A BILL for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to activation of amber caution lights on schoolbuses.

Was read the first time and referred to the Committee on Transportation.

HB 1521: A BILL for an Act to amend and reenact sections 39-12-05 and 39-12-05.2 of the North Dakota Century Code, relating to vehicle weight limits on certain highways; and to repeal section 39-12-05.1 of the North Dakota Century

Code, relating to gross weights of vehicles on designated highways.

Was read the first time and referred to the Committee on Transportation.

FIRST READING OF HHOUSE CONCURRENT RESOLUTIONS

HCR 3014: A concurrent resolution urging the United States Congress to investigate the extent and value of railroad land grant assets, and the utilization of income therefrom; and urging Congress to establish policies with respect to use of land grant assets and the income therefrom.

Was read the first time and referred to the Committee on Transportation.

HCR 3015: A concurrent resolution urging Congress to direct the United States Attorney General to bring legal action against the Burlington Northern Railroad in order to prohibit that railroad from separating land grant assets from the remainder of the railroad's capital.

Was read the first time and referred to the Committee on Transportation.

HCR 3016: A concurrent resolution urging Congress to require any railroad abandoning a portion of its line and ceasing service along that portion to forfeit all or a portion of the land and minerals granted to the railroad.

Was read the first time and referred to the Committee on Transportation.

MOTIONS

SEN. NELSON MOVED that the absent Senator be excused, which motion prevailed.

SEN. NETHING MOVED that at the conclusion of the Fifth order of business, the Thirteenth order of business, and after the reading of SB 2146, SB 2216, SB 2226, SB 2232, SB 2250, SB 2264, SB 2270, SB 2311, SB 2316, SB 2337, SB 2385, SB 2386, SB 2387, SB 2390, SB 2393, SB 2395, SB 2399, SB 2404, SB 2405, SB 2410, SB 2419, SB 2422, SB 2438, SB 2445, SB 2446, SB 2456, SB 2466, SB 2468, SB 2474, SB 2475, SB 2481, SB 2482, SB 2488, SCR 4017, HB 1069, HB 1074, HB 1076, HB 1113, and HB 1123, the Senate adjourn and convene at 12:30 p.m., Friday, February 4, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary